



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE JOHN T. SHABAN
ONE HUNDRED THIRTY-FIFTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4200
HARTFORD, CT 06106-1591

TOLL FREE: (800) 842-1423
CAPITOL: (860) 240-8700
HOME: (203) 664-1015
EMAIL: John.Shaban@housegop.ct.gov

MEMBER
ENVIRONMENT COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE
JUDICIARY COMMITTEE

TO: HOUSING COMMITTEE
Senator Edwin A. Gomes
Representative Larry B. Butler

FROM: REPRESENTATIVE JOHN T. SHABAN, 135th Assembly District

DATE: February 8, 2011

RE: HB 5135; HB 5134 (and 5786); HB 5133 (and 5169)

On behalf of the Towns of Easton, Redding and Weston -- and by extension all small towns throughout our State -- I urge the Committee to support proposed HB 5135; HB 5134 (and 5786); HB 5133 (and 5169).

These proposed bills seek to limit the unintended and unfair zoning-busting effect created by Connecticut's Affordable Housing Act, but at the same time, still further the laudable goals of the Act -- creating housing opportunities for moderate income working families near their places of work. Unfortunately, the Act has been misused by some developers as a tool to leverage inappropriate developments on and in small towns, developments that do little to advance the purposes of the Act.

My proposals:

Proposed HB 5135 seeks to exempt towns with fewer than 15,000 residents from 8-30g. The goal here is straight forward. Small towns are small for a reason -- i.e., they are often far from mass transit and commercial centers, and thus have small schools and low density, non-commercial land use customs. Allowing developers to use the Act as pretext to bust zoning is unfair, and unproductive.



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE JOHN T. SHABAN
ONE HUNDRED THIRTY-FIFTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4200
HARTFORD, CT 06106-1591

TOLL FREE: (800) 842-1423
CAPITOL: (860) 240-8700
HOME: (203) 664-1015
EMAIL: John.Shaban@housegop.ct.gov

MEMBER
ENVIRONMENT COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE
JUDICIARY COMMITTEE

commercial centers, and thus have small schools and low density, non-commercial land use customs. Allowing developers to use the Act as pretext to bust zoning is unfair, and unproductive.

Next, HB 5134 (and 5786) seeks to shift the evidentiary burden back to the developer to demonstrate that the project will cause no harm to the environment, and that the proposed development is close to mass transit and commercial centers. The current statutory presumption in favor of affordable housing developments imposes an unfair reverse burden on Towns (should they oppose the project) to prove that the development will harm the environment. The goal of this proposal is to thwart developers from using the Act (as they have) as a pretext to bust zoning and place ill-suited higher density developments in rural areas.

Finally, HB 5133 (and 5169) seeks to create an incentive to develop affordable housing -- rather than "stick" approach created by the present burden shift -- by adding affordable housing stock increases to the ECS credit calculus.

If passed, these amendments should work to locate affordable housing developments in more appropriate venues, and replace the litigious "stick" that the Act currently employs with a welcomed "carrot" approach.

Respectfully
John T. Shaban